



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: BCS - 175448

PRELIMINARY RECITALS

Pursuant to a petition filed July 9, 2016, under Wis. Stat., §49.45(5)(a), to review a decision by the Western Region for Economic Assistance to discontinue Medical Assistance (MA), a hearing was held on August 23, 2016, by telephone.

The issue for determination is whether the agency correctly closed MA due to failure to verify income.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Western Region for Economic Assistance
P.O. Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Monroe County.
2. Petitioner received BadgerCare Plus (BC+) MA as a one-person household. On June 14, 2016, she reported to the agency that she started working at [REDACTED]. On June 15 the agency sent petitioner a notice requesting verification of her income. The due date was June 24, 2016.

3. No verification was received. By a notice dated June 27, 2016 the agency informed petitioner that BC+ would end August 1, 2016 because she did not verify her income.

DISCUSSION

An MA recipient is required to verify information that can affect eligibility. Wis. Admin. Code, §DHS 102.03. If the household fails to verify required information by the time limit, the agency may deny or discontinue the benefits. Wis. Admin. Code, §DHS 102.03(1). The agency should assist the applicant if she requests assistance. BC+ Handbook, App. 9.8. If sources of verification are unavailable, the agency should use the best information available. Id.

The Handbook, App. 9.11.4, provides as follows:

Deny or reduce benefits when all of the following are true:

1. The member has the power to produce the verification.
2. The time allowed to produce the verification has passed.
3. The member has been given adequate notice of the verification required.
4. You need the requested verification to determine current eligibility. Do not deny current eligibility because a member does not verify some past circumstance not affecting current eligibility.

In this case the county correctly discontinued BC+ as required. It notified petitioner of the required verification, and it did not receive the verification by the time limit. Petitioner did not request assistance.

As of the date of the hearing petitioner was attempting to provide the verification. Under the BC+ rules if the verification is provided within the month that benefits closed, the benefits can be reopened for the entire month, assuming the person remains eligible. I am concluding that the agency correctly closed the BC+, but if petitioner provides the verification and remains eligible the matter should be resolved. Petitioner is reminded that the income limit for one person is \$990, so verification of her best estimated income is important. If, after verification is provided, the agency denies BC+ for being over income, petitioner can file a new appeal if she disagrees with the finding.

CONCLUSIONS OF LAW

The agency correctly closed BC+ because she did not verify her new income by the due date.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 31st day of August, 2016

\s _____
Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 31, 2016.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability